

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

LORIE J. MARSHALL and DEBRA
RAMIREZ, individually and on behalf of
others similarly situated,

Plaintiffs,

v.

H&R BLOCK TAX SERVICES, INC.,

Defendant.

Case No. 3:08-cv-591-MJR

**PLAINTIFFS' MOTION FOR LEAVE TO FILE
SUPPLEMENTAL AUTHORITY**

Plaintiffs, pursuant to Local Rule 7.1(g) and Federal Rule of Appellate Procedure 28(j), for their Motion for Leave to File Supplemental Authority, state:

1. Local Rule 7.1(g) provides in pertinent part: "If a party believes it is necessary to supplement its brief with new authority due to a change in the law or facts that occurred after the filing of its brief, the party must seek leave of court to file a supplemental brief. The supplemental authority shall be filed in accordance with the supplemental authority provisions found in Federal Rule of Appellate Procedure 28(j)."

2. Rule 28(j), FRAP, provides in pertinent part: "If pertinent and significant authorities come to a party's attention after the party's brief has been filed—or after oral argument but before decision—a party may promptly advise the circuit clerk by letter, with a copy to all other parties, setting forth the citations. The letter must state the reasons for the supplemental citations, referring either to the page of the brief or to a point argued orally. The body of the letter must not exceed 350 words."

3. Plaintiffs' Reply Memorandum in Support of their Motion for Class Certification (Doc. No. 60) discussed at pages 2, 5, and 8 the case of *Saltzman v. Pella Corp.*, 257 F.R.D. 471 (N.D.Ill.2009), which certified a class action involving the consumer fraud statutes of six states.

4. At the time of oral argument regarding Plaintiffs' class certification motion, the *Saltzman* certification order was on appeal, and its disposition was uncertain. The Seventh Circuit Court of Appeals affirmed this decision on May 20, 2010, and a petition for panel rehearing or rehearing *en banc* was denied on June 14, 2010.

5. The body of Plaintiffs' proposed supplementation letter contains fewer than 300 words. A copy of the letter is being submitted via e-mail to Judge Reagan's chambers.

WHEREFORE, Plaintiffs respectfully request that the Court grant leave to file the proposed supplemental authority.

Dated: June 18, 2010

Respectfully submitted

**LORIE J. MARSHALL and DEBBIE
RAMIREZ,
Class Plaintiffs,**

By: s/ Mark L. Brown
One of Their Attorneys
Mark L. Brown
Andrew W. Kuhlmann
LakinChapman, LLC
300 Evans Avenue, P.O. Box 229
Wood River, IL 62095
(618) 254-1127
E-mail: markb@lakinchapman.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

LORIE J. MARSHALL and DEBRA
RAMIREZ, individually and on behalf of
others similarly situated,

Plaintiffs,

v.

H&R BLOCK TAX SERVICES, INC.,

Defendant.

Case No. 3:08-cv-591-MJR

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2010, I electronically filed Plaintiffs' Motion for Leave to File Supplemental Authority with the Clerk of Court using the CM/ECF system which will send notification of such filing(s) to all persons requesting notice.

Rebecca R. Jackson
rrjackson@bryancave.com

W. Jason Rankin
wjr@heplerbroom.com

Robert M. Thompson
rmthompson@bryancave.com

Ellen E. Bonacorsi
eebonacorsi@bryancave.com

Scott T. Schutte
schuttes@howrey.com

John Michael Clear
jmclear@bryancave.com

By: s/ Mark L. Brown
One of Their Attorneys
Mark L. Brown
Andrew W. Kuhlmann
LakinChapman, LLC
300 Evans Avenue, P.O. Box 229
Wood River, IL 62095
(618) 254-1127
E-mail:markb@lakinchapman.com